

E-FILED

IN COUNTY CLERK'S OFFICE
PIERCE COUNTY, WASHINGTON

November 16 2023 8:30 AM

CONSTANCE R. WHITE
COUNTY CLERK
NO: 23-2-11234-8

SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

JESUS JIMENEZ, individually and as
Personal Representative of THE ESTATE
OF JESUS ANTONIO JIMENEZ, NO.

Plaintiffs,

vs.

COMPLAINT FOR DAMAGES

JEAN B. RAMEAU and "JANE DOE"
RAMEAU, husband and wife and the
marital community composed thereof;
WILFRED JEAN and "JANE DOE" JEAN,
husband and wife and the marital
community composed thereof; GENERAL
PARTNERS GROUP, INC., a foreign
corporation; ZERO MAX, INC., a foreign
corporation,

Defendants.

COME NOW the Plaintiffs, by and through their attorneys of record, Sok-Khieng K. Lim and Michael J. Fisher of Rush, Hannula, Harkins & Kyler, PLLC, and Cody Colwell of Chou Colwell, P.S., and for cause of action against the defendants, state and allege as follows:

I.

The court has jurisdiction over the subject matter herein and the parties hereto.

///

COMPLAINT FOR DAMAGES - 1

RUSH, HANNULA, HARKINS & KYLER, PLLC
4701 South 19th Street, Suite 300
TACOMA, WA 98405
TELEPHONE: (253) 383-5388
FAX: (253) 272-5105

1 II.

2 At all times material hereto, decedent, Jesus Antonio Jimenez, was a resident of
3 Tacoma, Pierce County, Washington.

4 III.

5 Jesus Jimenez, is the personal representative of the Estate of Jesus Antonio
6 Jimenez, deceased, by virtue of his appointment as personal representative of the
7 estate on June 13, 2023, in the Superior Court of the State of Washington, County of
8 Pierce, Cause No. 23-4-01434-3.

9 IV.

10 At all times material hereto, defendants, Jean B. Rameau and "Jane Doe"
11 Rameau were husband and wife, forming a marital community under the laws of the
12 State of Washington. All acts, omissions and conduct of defendant, Jean B. Rameau,
13 were committed by and on behalf of the marital community for which it is legally liable.

14 V.

15 At all times material hereto, defendants Jean B. Rameau and "Jane Doe"
16 Rameau were residents of Orlando, Florida.

17 VI.

18 At all times material hereto, defendants Wilfred Jean and "Jane Doe" Jean were
19 husband and wife, forming a marital community under the laws of the State of
20 Washington. All acts, omissions and conduct of defendant, Wilfred Jean, were
21 committed by and on behalf of the marital community for which it is legally liable.

22 ////

23 ////

vii.

At all times material hereto, defendants Wilfred Jean and "Jane Doe" Jean were residents of Lehigh, Florida.

viii.

At all times material hereto, defendant, General Partners Group, Inc., was an Ohio for-profit Corporation, licensed and authorized to do business in the State of Washington and doing business in Pierce County, Washington.

ix.

All acts, omissions and conduct of the employees, agents, representatives or individuals of defendant General Partners Group, Inc., were by and on behalf of defendant General Partners Group, Inc., and in the course and scope of their employment/agency for which defendant General Partners Group, Inc., is legally liable on the basis of employer/employee, respondeat superior, and/or agency or apparent agency.

x

At all times material hereto, defendant Zero Max, Inc., was an Illinois for-profit Corporation, licensed and authorized to do business in the State of Washington and doing business in Pierce County, Washington.

xi

All acts, omissions and conduct of the employees, agents, representatives or individuals of defendant Zero Max, Inc., were by and on behalf of defendant Zero Max, Inc., and in the course and scope of their employment/agency for which defendant Zero Max, Inc., is legally liable on the basis of employer/employee, respondeat superior,

1 and/or agency or apparent agency.

2 XII.

3 At all times material hereto, defendant, Jean B. Rameau, is and/or was an
4 employee, agent or representative of defendant General Partners Group, Inc., and was
5 in the course and scope of his employment and/or agency with defendant General
6 Partners Group, Inc. All acts, omissions and conduct of defendant Jean B. Rameau
7 were by and on behalf of defendant General Partners Group, Inc., and in the course and
8 scope of his employment/agency for which defendant, General Partners Group, Inc., is
9 legally liable on the basis of employer/employee, respondeat superior, and/or agency or
10 apparent agency.

11 XIII.

12 To the best information and belief of Plaintiffs, at all times material hereto,
13 defendant Jean B. Rameau is and/or was an employee, agent or representative of
14 defendant Zero Max, Inc., and was in the course and scope of his employment and/or
15 agency with defendant Zero Max, Inc. All acts, omissions and conduct of defendant
16 Jean B. Rameau were by and on behalf of defendant Zero Max, Inc., and in the course
17 and scope of his employment/agency for which defendant, Zero Max, Inc., is legally
18 liable on the basis of employer/employee, respondeat superior, and/or agency or
19 apparent agency.

20 XIV.

21 At all times material hereto, defendant Wilfred Jean is and/or was an employee,
22 agent or representative of defendant General Partners Group, Inc., and was in the
23 course and scope of his employment and/or agency with defendant General Partners

1 Group, Inc. All acts, omissions and conduct of defendant Wilfred Jean were by and on
2 behalf of defendant General Partners Group, Inc., and in the course and scope of his
3 employment/agency for which defendant, General Partners Group, Inc., is legally liable
4 on the basis of employer/employee, respondeat superior, and/or agency or apparent
5 agency.

6 XV.
7

8 To the best information and belief of Plaintiffs, at all times material hereto,
9 defendant Wilfred Jean is and/or was an employee, agent or representative of
10 defendant Zero Max, Inc., and was in the course and scope of his employment and/or
11 agency with defendant Zero Max, Inc. All acts, omissions and conduct of defendant
12 Wilfred Jean were by and on behalf of defendant Zero Max, Inc., and in the course and
13 scope of his employment/agency for which defendant, Zero Max, Inc., is legally liable on
14 the basis of employer/employee, respondeat superior, and/or agency or apparent
15 agency.

16 XVI.
17

18 On or about June 1, 2023, there were a number of tractor-trailer vehicles parked
19 side-by-side at the Mustard Seed Truck Stop located in Sumner, Pierce County,
20 Washington. One of the parked tractor-trailer vehicles had been parked there by the
21 decedent, Jesus Antonio Jimenez. Immediately to the left of the Jimenez tractor-trailer
22 was a tractor-trailer which had been parked there by defendant, Jean Rameau, or
23 defendant, Wilfred Jean.

24 XVII.
25

On or about June 1, 2023, Jesus Antonio Jimenez, was standing next to the

1 driver's side door of his tractor trailer, in between his tractor-trailer and the defendants'
2 tractor-trailer, and was readily visible.

3 XVIII.

4 At or around the same time, defendant, Jean Rameau, began to pull the
5 defendants' tractor-trailer forward out of its' parking spot. While driving forward
6 defendant, Jean Rameau, began turning defendants' tractor-trailer to the right before he
7 had cleared the Jimenez tractor-trailer which caused the right side of the defendants'
8 tractor-trailer to contact the Jimenez tractor-trailer. Upon contact between the two
9 tractor-trailer vehicles defendant, Jean Rameau, did not stop and continued to drive
10 forward and to the right dragging the right side of his tractor-trailer along the left side of
11 the Jimenez tractor-trailer.
12

13 XIX.

14 As a result of defendant, Jean Rameau's, conduct, Jesus Antonio Jimenez, was
15 first pinned between the two tractor-trailer vehicles. The continued forward movement
16 of defendants' tractor-trailer by defendant, Jean Rameau, drug Mr. Jimenez down to the
17 ground where the trailer tires of defendants' tractor-trailer ran over Mr. Jimenez crushing
18 him to death.
19

20 XX.

21 To the best information and belief of Plaintiffs, at the time of the subject collision
22 described above, defendant, Jean Rameau, was inexperienced in operating a tractor-
23 trailer and was doing so under the instruction and/or supervision of defendant, Wilfred
24 Jean.
25

///

xxi.

At the time of the subject collision described above, the tractor-trailer being driven by defendant, Jean Rameau, was leased and/or operated by defendant General Partners Group, Inc., and/or Zero Max, Inc.

xxii

The operation of a commercial vehicle in the transportation of goods in interstate commerce constitutes a hazardous activity that presents substantial dangers to other vehicles and pedestrians when not done safely, properly and with due caution. Accordingly, there are a number of federal regulations, state statutes, industry standards and local ordinances that govern the qualification, training and retention of professional tractor-trailer drivers, and the safe operation of commercial motor vehicles.

xxiii

In applying for and maintaining operating authority as an interstate motor carrier, defendants, General Partners Group, Inc., and/or Zero Max, Inc., voluntarily assumed certain duties when certifying to the USDOT that they would:

- (a) Have in place a system and an individual responsible for ensuring overall compliance with the FMCSR's;
 - (b) Have in place a driver safety training/orientation program;
 - (c) Be familiar with DOT regulations governing driver qualifications and have in place a system for overseeing driver qualification requirements (49 CFR 391);

- (d) Have in place policies and procedures consistent with DOT regulations governing driving and operational safety of motor vehicles, including drivers' hours of service and vehicle inspection, repair and maintenance; and,
 - (e) Comply with all pertinent Federal, State, local and tribal statutory and regulatory requirements when operating within the United States.

xxiv

At all times material hereto, defendants, Jean Rameau and Jean Wilfred, were Class "A" licensed truck drivers operating a commercial tractor-trailer in interstate commerce for defendants, General Partners Group, Inc., and/or Zero Max, Inc.

FIRST CAUSE OF ACTION
(Negligence of Driver)

xxv.

The subject collision and the resulting injuries and ultimate death of Jesus Antonio Jimenez, was caused by the negligence of defendant, Jean Rameau, including, but not limited to, the following:

- (a) Failing to yield right of way to pedestrians;
 - (b) Failing to maintain a proper lookout;
 - (c) Failing to observe the rules of the road;
 - (d) Failing to have his vehicle under control;
 - (e) Failing to operate his vehicle in a careful and prudent manner;
 - (f) Failing to keep an assured clear distance between his vehicle and pedestrians;
 - (h) Failing to keep an assured clear distance between his vehicle and other vehicles on a roadway; and;

(i) Failing to exercise reasonable care under the circumstances.

SECOND CAUSE OF ACTION

(Negligence of Company)

xxvi.

Defendants, General Partners Group, Inc., and/or Zero Max, Inc., had a non-delegable duty to ensure that its drivers and vehicles were reasonably safe and complied with all laws and industry standards concerning the safe operation and maintenance of commercial motor vehicles.

xxvii

Defendants, General Partners Group, Inc., and/or Zero Max, Inc., breached the above-mentioned duties and were therefore negligent in one or more of, but not limited to, the following ways:

- a. Failing to verify and ensure that defendant, Jean Rameau, operated the commercial tractor-trailer in a reasonably safe manner and abided by all laws governing the safe operation of commercial motor vehicles in violation of 49 C.F.R. §392.1;
 - b. Failing to properly train and instruct defendant, Jean Rameau, and its drivers on defensive driving, safe driving, proper following distance and proper lookout in violation of 49 C.F.R. §383.111;
 - c. Failing to properly supervise defendant, Jean Rameau, and identify dangerous and negligent driving behaviors that could have been corrected in time to avoid the subject collision;
 - d. Failing to perform or improperly performing background, driving record, physical fitness to drive and/or character investigations that would have

revealed defendant, Jean Rameau, was unfit to operate a commercial motor vehicle in violation of 49 C.F.R. §391.21 and §391.23;

- e. Hiring and retaining defendant, Jean Rameau, despite his subpar safety and driving record, which was or should have been known to defendants at the time of his hire in violation of 49 C.F.R. §391.11 and §391.13;
 - f. Failing to perform or improperly performing the review, audit and corrective actions to verify defendant, Jean Rameau's, knowledge of and compliance with the laws and industry standards concerning the safe operation of commercial motor vehicles in violation of 49 C.F.R. §392.1(a);
 - g. Failing to perform or improperly performing the annual performance reviews, and checking medical evaluations, driving and personnel records, that would have revealed defendant, Jean Rameau, was unqualified and unfit to operate a commercial motor vehicle in violation of 49 C.F.R. §391.25 and §391.27; and,
 - h. Habitually disregarding the state and federal laws and regulations and industry standards stated above, such that it created a culture of danger and zone of risk that was reasonably anticipated to cause injury and death to the traveling public and constituted a dangerous mode of operation.

THIRD CAUSE OF ACTION

(Negligent Hiring, Training, Supervision, Retention and Entrustment)

XXVIII.

Defendants, General Partners Group, Inc., and/or Zero Max, Inc., owed a duty to exercise reasonable care in the hiring, training, supervision, retention, and entrustment of drivers whose conduct in the operation of commercial vehicles may cause injury.

xxix

Defendants, General Partners Group, Inc., and/or Zero Max, Inc., owed a duty to make a reasonable inquiry and investigation into the background, character and driving history of defendant, Jean Rameau, both prior to and after retaining him as a driver of commercial vehicles.

xxx

At the time of the subject collision described above, defendant, Jean Rameau, who was 45-years old, was an inexperienced driver who had possessed a regular driver's license for less than 9-years and who had possessed a commercial driver's license for less than 10-months.

xxxii

Prior to being retained as a driver for defendants, General Partners Group, Inc., and/or Zero Max, Inc., defendant, Jean Rameau, had received multiple driving violations, including violations for reckless driving and for speeding. The American Transportation Research Institute (“ATRI”), a trucking-industry-funded organization has published multiple studies on the relationship between a truck driver’s driving history and the likelihood of a crash. In 2005 the ATRI study found that drivers with a single traffic violation had a 56 percent increase in crashes and that a single reckless driving violation increased future crash risk by 325 percent. For drivers with multiple traffic violations, such as defendant Jean Rameau, the risk is even greater.

xxxii

After retaining defendant, Jean Rameau, as a driver, defendants, General Partners Group, Inc., and/or Zero Max, Inc., had an obligation to train defendant Jean

1 Rameau to safely operate defendants' commercial vehicles. The fact that defendant
2 Jean Rameau possessed a commercial driver's license ("CDL") did not mean that he
3 was a trained, experienced, and safe commercial vehicle driver. In the 1997 publication
4 *On Guard* the USDOT put the trucking industry on notice that a CDL does not indicate
5 the holder is a trained or experienced truck driver. A CDL merely indicates that the
6 holder has passed minimal skills and knowledge tests. It is incumbent upon an entity
7 utilizing a commercial vehicle driver such as defendant, Jean Rameau, to ensure that
8 the driver is properly trained to operate commercial vehicles.
9

10 XXXIII.

11 Defendants, General Partners Group, Inc., and/or Zero Max, Inc., were negligent
12 in failing to investigate defendant, Jean Rameau's, driving history, failing to provide him
13 with adequate training, failing to take other action to ensure that he could safely operate
14 a commercial tractor-trailer and/or entrusting him to operate a commercial tractor-trailer.

15 **FOURTH CAUSE OF ACTION**
16 (Vicarious Liability)

17 XXXIV.

18 At the time of the subject collision referenced above, defendants, Jean Rameau
19 and Jean Wilfred, were in the course and scope of their employment, agency or
20 representation of defendants, General Partners Group, Inc., and/or Zero Max, Inc.

21 XXXV.

22 Defendants, General Partners Group, Inc., and/or Zero Max, Inc., are legally
23 liable for all acts, omissions and conduct of defendants, Jean Rameau and/or Jean
24 Wilfred, on the basis of employer/employee, respondeat superior, and/or agency or
25 apparent agency.

XXXVI.

The plaintiff decedent, Jesus Antonio Jimemez, suffered catastrophic injuries and death as a direct and proximate result of the negligence of all the defendants. Plaintiff decedent, Jesus Antonio Jimemez, was properly standing by the door of his tractor-trailer at the time of the subject collision and was fault free. Jesus Antonio Jimemez committed no act of fault that was a proximate cause for his respective injuries or death. Because Jesus Antonio Jimemez, was fault free, all tortfeasors that caused plaintiffs' injuries are jointly and severally liable for those injuries, damages and losses.

xxxvii

As a direct and proximate result of the defendants' negligence and lack of due care, as alleged herein, plaintiff decedent, Jesus Antonio Jimenez, sustained catastrophic personal injuries and death, all in amounts to be proven at trial.

xxxviii

As a further direct and proximate result of the defendants' negligence and lack of due care, as alleged herein, plaintiff decedent, Jesus Antonio Jimemez, has incurred medical costs and expenses, has suffered a permanent loss of income, has suffered a permanent impairment to earning capacity, and has sustained other out-of-pocket expenses, all in amounts to be proven at trial.

xxxix

As a further direct and proximate result of defendants' negligence and lack of due care, as alleged herein, plaintiff decedent, Jesus Antonio Jimenez, sustained physical and mental pain, suffering, disability and disfigurement and suffered loss of enjoyment of life until his death, all in amounts to be proven at the time of trial.

1 XL.

2 As a direct and proximate result of the defendants' conduct, as alleged herein,
3 the Estate of Jesus Antonio Jimemez, has incurred medical expenses, has suffered
4 damage by way of Estate costs and taxes, has suffered a permanent impairment to the
5 decedent's earning capacity, and incurred funeral expenses, all in an amount to be
6 proven at the time of trial.

7 XLI.

8 As a further direct and proximate result of the defendants' conduct, as alleged
9 herein, statutory beneficiary, Dilma Eloisa Galvez Gonzalez De Jimenez, has suffered
10 and will continue to suffer a destruction and permanent impairment of her marital
11 relationship with her husband, Jesus Antonio Jimenez, including the loss of love,
12 affection, companionship and society, all in amounts to be proven at the time of trial.

14 XLII.

15 As a further direct and proximate result of the defendants' conduct, as alleged
16 herein, statutory beneficiaries, Marisol Montes Suarez, Eduardo Jimenez and Jesus
17 Jimenez, have suffered and will continue to suffer a destruction and permanent
18 impairment of their relationship with their father, including the loss of love, affection,
19 companionship and society, all in amounts to be proven at the time of trial.

20 WHEREFORE, Plaintiffs pray for judgment against the defendants as follows:

- 21 1. For all general and non-economic damages suffered by Plaintiffs, and to
22 be suffered in the future;
- 23 2. For all special and economic damages suffered by Plaintiffs, and to be
24 suffered in the future;

3. For pre-judgment interest on the liquidated sums,
 4. For all costs and disbursements incurred herein, including a reasonable attorney's fee, and
 5. For such other and further relief as the court may deem just and equitable.

DATED this 15 day of November, 2023.

RUSH, HANNULA, HARKINS & KYLER, PLLC

By: Sok-Khieng K. Lim, WSBA #30607
Michael J. Fisher, WSBA #32778
Plaintiffs' attorneys

CHOU COLWELL, P.S.

By: 
Cody Colwell, WSBA #41540
Plaintiffs' attorneys